

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VILOX TECHNOLOGIES, LLC and)	
VILOX, LLC,)	
Plaintiffs,)	
)	
v.)	C.A. No. 23-302 (MN)
)	
ORACLE CORPORATION,)	
)	
Defendant.)	
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ORACLE CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 23-126 (MN)
)	
VILOX TECHNOLOGIES, LLC,)	
)	
Defendant.)	

**ORACLE'S OPPOSITION TO DR. JOSEPH L. DE BELLIS'
REQUEST FOR POSTPONEMENT OF ORAL HEARING**

Oracle Corporation (“Oracle”) hereby opposes Dr. De Bellis’ Request for Postponement of Oral Hearing. *Vilox Techs., LLC et al. v. Oracle Corp.*, C.A. No. 23-302 (MN), D.I. 59; *Oracle Corp. v. Vilox Techs., LLC*, C.A. No. 23-126 (MN), D.I. 28. Dr. De Bellis argues that he requires access to documents filed under seal by Oracle to prepare for the hearing scheduled for July 27, 2023, and requests postponement so that he has time to review those documents. This position finds no support in the record.

First, for two of the three motions scheduled to be heard on July 27, namely the Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(B)(1) and 12(B)(6) (*Vilox*, D.I. 21) and the Motion to Withdraw (*Vilox*, D.I. 46; *Oracle*, D.I. 16), no documents were filed under seal. Thus, Dr. De

Bellis does not require access to any additional documents to prepare for the hearing in connection with those two motions.

Second, with respect to Dr. De Bellis' Motion to Intervene, Oracle filed publicly a minimally redacted version of its Response (less than a page of redactions total). *Vilox*, D.I. 57; *Oracle*, D.I. 26. Those minimal redactions are the only material under seal, and they relate to a document executed by Dr. De Bellis on behalf of Vilox as its managing member. *Oracle*, D.I. 2-1. Dr. De Bellis has confirmed in a recent letter and filing with the Court that he is the sole owner and CEO of Vilox. *Vilox*, D.I. 48, 59; *Oracle*, D.I. 28. Thus, Vilox—and Dr. De Bellis as its managing member, sole owner, and CEO—is in possession of all the facts relevant to this third motion.

Notwithstanding the above, Oracle has no objection to Vilox giving Dr. DeBellis access to the material that Oracle filed under seal or to the underlying document. The document is a Vilox document, Dr. De Bellis is an officer of Vilox, and Dr. De Bellis signed the document on behalf of Vilox. As such, Dr. DeBellis is bound by the confidentiality obligations in that document. *See, Oracle*, D.I. 1, 2-1. But Oracle cannot unilaterally provide the material to Dr. De Bellis because Vilox is also a party to the underlying document as well as a represented party in this litigation. As a result, Oracle believes that it is incumbent upon William Ramey, who remains Vilox's counsel of record in this case pending a decision on his Motion to Withdraw, to provide these documents to his client Vilox (presumably by and through Dr. De Bellis, as Vilox's owner and CEO).¹

¹ Dr. De Bellis reached out to counsel for Oracle on July 17 and again on July 18 reporting his call with the clerk. Counsel for Oracle intended to get back to Dr. De Bellis (in his individual capacity) and also Vilox (through its counsel of record, William Ramey) today, but his filing occurred before that could happen. Thus, Oracle is stating its position herein.

Dr. De Bellis also appears to suggest that the hearing should be postponed to permit the parties to discuss settlement. He represents in his filing that he “contacted Oracle’s counsel on July 5, 2023, with an offer to settle the two matters before this court.” That is wrong. Dr. De Bellis merely requested that the parties meet in person to discuss settlement. To date, he has not made any settlement demand.

Thus, Oracle’s position is that Dr. De Bellis has everything he needs to prepare for the hearing and plenty of time to obtain from Vilox’s counsel and to review the under-seal version of the minimally redacted filing prior to July 27, 2023.² Accordingly, Oracle opposes Dr. De Bellis’ Request for Postponement.

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/s/ Brian P. Egan

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² If the Court is inclined to move the hearing to one of Dr. De Bellis’ proposed dates, lead counsel for Oracle is not available due to a case commitment in the Western District of Texas on August 14, and Delaware counsel for Oracle is not available on the proposed dates (note that two of the proposed dates, August 12 and 13, fall on a weekend).

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July 19, 2023

CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on July 19, 2023, upon the following in the manner indicated:

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VIA ELECTRONIC MAIL

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/s/ Brian P. Egan

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